

Smt.Hansaben Chhaganlal Patel  
New Railway Primary School,  
Baroda, G.S.Colony, Baroda Yard.

.. Applicant

Versus

1. President, Railway School and  
Sr.Divisional Personnal Officer  
Baroda Division, Pratapnagar.
2. Union of India  
through: The General Manager,  
Western Railway, Churchgate,  
Bombay.

.. Respondents.

Coram : Hon'ble Mr. P.H. Trivedi

: Vice Chairman

ORAL ORDER

23/6/1989

Per: Hon'ble Mr. P.H. Trivedi

: Vice Chairman

Heard Mr.Girish Desai and Mr.N.S.Shevde, the learned advocates for the applicant and the respondents. The petitioner's contention is that after 13 years service she has been able to secure a posting at Bharuch. Learned advocate for the petitioner states that the petitioner has been transferred from Baroda to Dabhoi to accommodate one Mr.Pathan who approached this Tribunal and while dismissed his application against transfer this Tribunal had observed in the case No.385/87 that his representation be considered by the authorities but there was no <sup>observation</sup> ~~representation~~ or directions that he be posted at Bharuch that on consideration of his representation the respondent posted him at Bharuch and the petitioner to be transferred to Dabhoi. The petitioner has also stated that she ~~xx~~ belongs to scheduled caste and her husband is working in another department at Baroda and therefore the policy <sup>to</sup> ~~of~~ keep the husband and wife in one station should be taken into consideration. In reply the respondent states that there is no <sup>enmity</sup> ~~enmity~~ against the petitioner in effecting her transfer to Dabhoi and she being the junior<sup>most</sup> has been transferred to Dabhoi to accommodate Mr.Pathan as there is no other alternative .

After hearing the learned advocates, we find that

so far as the orders of transfer are concerned, there is no direction that Mr. Pathan be posted at Baruch or that this petitioner should be necessarily disturbed. It is not possible for the Court to intervene in the matters of transfer. So far as the petitioner is concerned, there is some case for the respondents to consider in view of her being a woman and belongs <sup>ing</sup> to the scheduled caste and <sup>she</sup> have been posted only for a period of five months but we must <sup>be</sup> reluctant to make the decision <sup>for</sup> of the respondent authorities <sup>which they must take</sup> for themselves in the matters of this kind, because the personal factors of the petitioners had to be <sup>weighed</sup> ~~waived~~ against this who are likely to be affected for accommodating her. It is <sup>a</sup> necessary to bring out that if Mr. Pathan has to be accommodated it is <sup>for the</sup> ~~further~~ respondent to decide after consideration whether any better <sup>consideration</sup> ~~compassion~~ of the posting can emerge in which he can be given ~~an~~ a proper posting without affecting <sup>of</sup> the petitioner. We therefore decline to interfere in the orders of the respondents in this case, and ~~to be~~ ask the petitioner to take her <sup>case before</sup> ~~choice~~ that the respondent authorities by filing an appropriate representation.

With this observation, we do not find that the petition has merit <sup>except the</sup> to extent stated above and reject the same. No order as to costs. Interim relief not to continue.

*P.H. Trivedi*  
(P.H. Trivedi)  
Vice Chairman

a.a.bhatt